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7 Attorneys for Defendant
VIATOR, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

13 ROSALINA C. RELENTE, individually and on
behalf of all others similarly situated,

Plaintiff,

16 v.
17 VIATOR, INC., a corporation, and DOES 1-100,
inclusive.

Defendants.

Case No. CV 12-5868 JSW

CLASS ACTION

**STIPULATION AND
[PROPOSED] ORDER
REGARDING BRIEFING
SCHEDULE FOR DEFENDANT
VIATOR, INC.'S MOTION TO
DISMISS COMPLAINT**

1 Pursuant to Civil Local Rules 6-2 and 7-12 and the Court's Civil Standing Orders ¶ 4, the
2 parties, Plaintiff Rosalina Relente ("Plaintiff") and Defendant Viator, Inc. ("Defendant"), by and
3 through their undersigned counsel of record, submit the following stipulation and proposed order:

4 WHEREAS, on December 14, 2012, Defendant filed its Motion to Dismiss Complaint
5 ("Motion");

6 WHEREAS, pursuant to Civil Local Rule 7-3, Plaintiff's opposition to the Motion is
7 currently due on December 28, 2012, and Defendant's reply in support of its Motion is currently
8 due on January 4, 2013;

9 WHEREAS, Defendant's counsel will be out of the office due to the Christmas and New
10 Year's holidays and preparations for an evidentiary hearing in New York, set for January 7, 2013,
11 during the time in which Defendant's reply is due;

12 WHEREAS, in light of Defendant's counsel's unavailability, Plaintiff's counsel has
13 agreed that Defendant may have a short extension to file a reply in support of its Motion, to and
14 including January 14, 2013;

15 WHEREAS, the hearing on Defendant's Motion is set for February 22, 2013;

16 WHEREAS, this change to the briefing schedule will not require a continuance of the
17 hearing date or any other changes to the Court's schedule; and

18 WHEREAS, the parties previously stipulated to extend the time within which Defendant
19 was to answer or otherwise respond to the Complaint.

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1 IT IS HEREBY STIPULATED AND AGREED among the undersigned parties that the
2 deadline for Defendant to file a reply in support of its Motion, currently set for January 4, 2013,
3 shall be continued to and including January 14, 2013.

4 Dated: December 20, 2012

5 WESLEY E. OVERSON
REBEKAH KAUFMAN
COLETTE M. LEBON
6 MORRISON & FOERSTER LLP

7

8 By: /s/ Rebekah Kaufman
9 Rebekah Kaufman

10 Attorneys for Defendant
11 VIATOR, INC.

12 JAMES M. SITKIN, ESQ.
13 LAW OFFICES OF JAMES M. SITKIN

14 MICHAEL F. RAM
KARL OLSON
RAM, OLSON, CEREGHINO &
15 KOPCZYNSKI

16 By: /s/ James M. Sitkin
17 James M. Sitkin

18 Attorneys for Plaintiff
19 ROSALINA C. RELENTE and all others
similarly situated

1 SIGNATURE ATTESTATION
2

3 I, Rebekah Kaufman, am the ECF User whose ID and password are being used to file this
4 Stipulation and [Proposed] Order Regarding Briefing Schedule for Defendant Viator, Inc.'s
5 Motion to Dismiss Complaint. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that
6 James M. Sitkin has concurred in this filing.

7 /s/ Rebekah Kaufman
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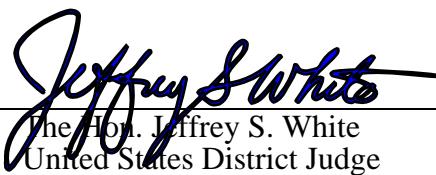
Rebekah Kaufman

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10 [PROPOSED] ORDER

11 PURSUANT TO STIPULATION, AND GOOD CAUSE APPEARING, IT IS
12 THEREFORE ORDERED that the deadline for Defendant to file a reply in support of its
13 Motion to Dismiss, currently set for January 4, 2013, shall be continued to and including January
14 14, 2013.

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16 Dated: January 2, 2013, 2012

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The Hon. Jeffrey S. White
United States District Judge